

## **ORDINANCE NO. 2228**

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF GARDNER, KANSAS, UNDER THE AUTHORITY GRANTED BY THE GARDNER, KANSAS, ZONING ORDINANCE; (Z-06-09; PDP-06-09)-167<sup>th</sup> & Waverly

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

**SECTION ONE:** That having received a recommendation from the Planning Commission on January 22, 2007, and proper notice having been given and hearing held as provided by law and under the authority of and subject to the provisions of the Gardner, Kansas, Zoning Ordinance, the zoning classification or districts of the lands legally described hereby are changed as follows:

The following described property shall hereafter have a zoning classification of RP-3, Planned Garden Apartment District, subject to the following stipulations:

- a. The development shall be in accordance with Exhibit "A" (Site Plan) which is filed in the office of the Planning Commission Secretary at City Hall and which is incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.
- b. The development shall be limited to 96 units.
- c. The location and geometrics of all driveways, public streets, and parking areas are subject to review and approval by Community Development Department staff.
- d. Prior to the issuance of building permits, the Planning Commission shall approve a final development plan for this subject property.
- e. Developer shall be responsible for modifications to the existing creek channel south of the proposed development, to ensure all buildings and related improvements are located outside the revised Johnson County mapped floodplain. All proposed building low opening elevations must be a minimum of two vertical feet above floodplain.
- f. Improvements to the channel shall incorporate the Mid America Regional Council (MARC) BMP Manual "Natural Channel Design" methodologies. Prior to approval of construction plans, the developer will provide all-related engineering analyses for modifications to the channel and current floodplain. All engineering analyses will be subject to review and approval by Public Works staff.
- g. All modifications to the existing channel are subject to all Federal, State, and local permit authorities. Copies of NPDES, 404, FEMA, and other applicable state and federal permit applications for this site and/or construction activities will be required with permit application for this project.
- h. Any rise in water surface elevation will be reviewed by staff to ensure that problems are not created for surrounding property owners.
- i. All channel and drainage improvements will be paid for solely by the developer.
- j. A copy of HOA Declaration of Restrictions must be provided and must contain restrictions and information about the stream setback corridor and stormwater BMP areas. This document must be submitted for review and approval prior to filing of plat.
- k. Constructed channel improvements associated with this development are the sole responsibility of the developer, but subject to review of the Engineering Department.

### **CASE NO. Z-06-09**

Rezoning from A, Agricultural District, to RP-3, Planned Garden Apartment District

**Legal Description:** A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 14 SOUTH, RANGE 22 EAST OF THE 6TH PRINCIPAL MERIDIAN, JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 14 SOUTH, RANGE 22 EAST; THENCE NORTH

88°47'09" EAST COINCIDENT WITH THE NORTH LINE OF SAID NORTHWEST QUARTER SECTION, 61.96 FEET; THENCE SOUTH 01°45'18" EAST, 668.63 FEET; THENCE NORTH 62°01'51" WEST, 281.83 FEET; THENCE SOUTH 88°03'42" WEST, 716.47 FEET; THENCE NORTH 01°50'20" WEST, COINCIDENT WITH THE WEST LINE OF SAID SECTION 23, 527.76 FEET TO THE POINT OF BEGINNING. EXCEPT THAT PART IN ROAD RIGHT OF WAY. DESCRIBED TRACT CONTAINS 12.083 ACRES (526,349 SQUARE FEET), MORE OR LESS..

**SECTION TWO:** That upon the taking effect of this Ordinance, the above zoning changes shall be incorporated and shown on the Zoning District Map previously adopted by reference, and said Zoning District Map is hereby reincorporated as a part of the Zoning Ordinance as amended.

**SECTION THREE:** That this Ordinance shall take effect and be in force from and after its adoption by the City Council and publication in the official City Newspaper.

PASSED and APPROVED this 5th day of March, 2007.

ATTEST:

/s/ Carol Lehman  
Carol Lehman, Mayor

/s/ Teresa Anderson  
Teresa Anderson, City Clerk

(SEAL)